

Chairperson Roberts called the regular meeting to order at 6:30 p.m. All six commissioners were present, having one vacancy. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

Citizen Comments

There were none.

Kuta Conditional Use Request ~ located at 686 Industrial Blvd.

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting approval of a conditional use to erect a bridge crane at 686 Industrial Blvd. Outdoor storage of supplies, equipment, and inventory is allowed as a conditional use in the I-1 zone district.

The applicant is applying for a building permit with the intent of adding a cover to the crane in the future. This would classify the crane as a structure and it would then need to comply with building codes.

Criteria for Conditional Use:

According to section 17.04.250 of the City Municipal Code, no conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines that the allowing criteria are substantially met with respect to the type of use and its dimensional features:

- 1. The use will not be adverse to the public health, safety or welfare.*
- 2. The use is not inconsistent with the City's Master Plan.*
- 3. Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.*
- 4. The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.*
- 5. The use will not have an adverse effect upon other property values.*
- 6. Adequate off-street parking will be provided for the use.*
- 7. The location of curb-cuts and access to the premises will not create traffic hazards.*
- 8. The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.*
- 9. Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.*
- 10. Any other criteria specified by other City ordinances or regulations are met.*

Kuta Conditional Use Request ~ located at 686 Industrial Blvd. continued...

Criteria for Conditional Use continued...

Additionally, the Municipal Code states that:

- 1. The burden shall be upon the applicant to prove that these requirements are met.*
- 2. The Planning Commission may impose conditions as necessary to insure that the above criteria are met.*

Staff Recommendations:

Staff reasons that the crane will not significantly change the level of operations as it exists today. Staff recommends approval.

Commissioner Bell asked if the crane was going to be 30 feet high and what is the maximum height allowed of structures in an industrial zone.

Staff replied that 60 feet is the maximum height allowed for structures in an industrial zone.

Chairperson Roberts requested the applicant's presentation.

Greg Kuta, owner of property at 686 and 680 Industrial Blvd., stated that currently his company is using up to five forklifts for loading and unloading of trucks. He summarized the benefits that will come from the use of the crane and how operations will change. He clarified that he needed to construct a crane with the hook standing at a minimum of 20 feet.

Commissioner Pfalzgraff asked who supplied his electricity.

Mr. Kuta replied that currently their electricity is supplied by the City of Delta.

Chairperson Roberts requested public comment.

There was none.

Chairperson Roberts closed the public hearing and requested commissioner comments.

Commissioner Raley motioned to approve the conditional use request with the following contingent upon the following:

1. compliance the conditional use requirements of 17.04.250
2. staff recommendations

Commissioner Pfalzgraff seconded the motion.

All were in favor and the motion carried.

Rezone Request of 1775 H Road

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

Rezone Request of 1775 H Road continued...

James Shoopman stated that when he drove out to this location today that the public notice sign was not posted in front of the property and that the applicant address this issue before the presentation. The applicant did submit the requested certification of sign posting.

Jesse Messenger, represented Virginia Maxwell, stated that he posted the sign on the southeast corner of the fence last Monday. He stated that he had taken pictures of the posting and had not brought them that evening but would produce them if they were needed.

Mr. Shoopman suggested moving forward with the presentation unless anyone had an objection.

Chairperson Roberts asked the public if there was any objection on this subject. He then asked if there was any objection from the Commission.

Mr. Black suggested that Chairperson Roberts make the public aware of their right to appeal the decision of commission within a 5 day period.

Chairperson Roberts reviewed the appeal process and included the 5 day period requirement to file with city clerk. He decided to proceed since the audience had no objection.

The following was presented by James Shoopman, City Planner.

Request:

Because the two properties listed above are in the process of a boundary adjustment, a change in the zone district boundaries of the City's official Zoning Map is required so that the zone district boundaries conform to the new parcel boundaries. The applicant is requesting that both parcels be zoned B-2.

Criteria for Rezoning:

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***
 - b. The existing zoning is erroneous; **or***
 - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

Staff Recommendations:

Staff recommends that the zone district boundaries of the City's official Zoning Map be changed to conform to the adjusted parcels and that both parcels be zoned B-2.

This recommendation appears to be consistent with the requirements of section 17.04.270 of the City Municipal Code.

Commissioner Pfalzgraff asked Mr. Shoopman if he had seen the public notice sign posted prior to Monday.

Rezone Request of 1775 H Road continued...

Mr. Shoopman replied that he had not seen the posting but that the applicant had complied with all other requirements and he had no reason to believe that the sign was not posted.

Commission Pfalzgraff stated that since Mr. Messenger indicated that he could bring in the photos of the posting that the photos should be sufficient proof and requested that the Mr. Messenger deliver these to staff.

Mr. Shoopman requested that approval of the zone change be contingent upon the boundary adjustment being processed.

Chairperson Roberts requested the applicant's presentation.

Jesse Messenger stated that the Maxwells' boundary adjustment has been delayed due to the zoning process on the boundary adjustment. He also reassured commission that he could bring the pictures to staff.

Chairperson Roberts requested public comment.

There was none.

Chairperson Roberts closed the public meeting/hearing and requested commissioner comments.

There were no commissioner comments.

Commissioner Jahn motioned to recommend approval to City Council of the request to change the zone district boundaries of parcels 3455-172-07-001 and 3455-172-00-030 to B-2, conditioned upon the following:

1. Completion of the boundary adjustment.
2. The applicant provides photos of the sign posting

Commissioner Raley seconded the motion.

All were in favor and the motion carried.

Rezone Request of 1265 H 25 Road

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

Mr. Shoopman stated that when he visited this location today that the sign was not posted.

Earnest Schaaf, 1220 H Lane, represented Mr. Lockhart, stated that he could not confirm that the sign was posted.

Mr. Shoopman asked if there were any objections to presenting this item of the agenda.

Rezone Request of 1265 H 25 Road continued...

Commissioner Bell asked if staff had received verification of the sign posting from the applicant.

Mr. Shoopman replied that staff had received the certificate of sign posting from the applicant.

Chairperson Roberts asked if there were any objections to continuing with this particular agenda item.

Lee West, 1283 & 1285 H 25 Road, representing her father Joe Warden, stated that she is an adjacent property owner, and had seen the sign posted last Monday. She stated that the sign had been posted on Monday but for only 1 day.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting that this parcel be zoned to a district that would allow the applicant to build a mining office, shop, & training facility (see applicant's letter).

Criteria for Rezoning:

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***
 - b. The existing zoning is erroneous; **or***
 - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

Staff Recommendations:

Staff recommends that the zone district of this parcel be changed to B-3.

This recommendation appears to be consistent with the requirements of section 17.04.270 of the City Municipal Code.

Example Motion:

*I move that Planning Commission **recommend/not recommend** approval to City Council of the request to change the zone district of 1265 H25 Rd to B-3.*

Chairperson Roberts reminded the audience of the appeal process.

Commissioner Bell asked staff to explain the comparison of B-3 and B-2 zone districts. He asked why B-3 was chosen as opposed to B-2.

Mr. Shoopman replied that choosing the B-2 zone would imply spot zoning and then noted petitions staff had received.

Chairperson Roberts requested the applicant's presentation.

Mr. Schaaf stated that they could enhance the area with good design and that he had no intention of having any abandoned, broken down equipment.

Rezone Request of 1265 H 25 Road continued...

Commissioner Bell wanted to discuss issues such as H 25 Road traffic, dust, and road width.

Chairperson Roberts asked Mr. Schaaf how much traffic and the size of equipment that he anticipated would be moving in and out of the site onto H 25 Road.

Schaaf replied that there could be up to 40 vehicles of traffic daily during training sessions, but only 10-15 cars on a daily average for the administrative staff.

The commission discussed surrounding and adjacent roads that would be affected by this traffic.

Chairperson Roberts requested public comment.

Tom Whiting, phoned in a petition, adjacent property owner to the east. In his petition he stated that the land use of the area is currently agricultural and residential. He stated that he felt an increase of traffic would negatively impact the residents of the area.

Commissioner Oelke, asked about the size of the equipment that is going to be transported in relation to the width and condition of the road.

Schaaf responded that the width of a semi truck is the largest width of any of the equipment. He stated that the width of loads would be within state limits and would not require an oversize load permit.

Chairperson Roberts requested any further public comment.

Commissioner Raley commented that he thought Lee West would be speaking at this part of the discussion.

Lee West, 1285 H 25 Road, stated that H 25 Road is currently a small gravel road and that having large equipment transported continually on that road will cause it sufficient damage. She stated that she was concerned that pets owned by neighboring families would be disturbed by large trucks driving through. She stated that it would be considerate if they could arrange some kind of schedule for the hours of heavy traffic so it would not disrupt the current peaceful residential living that is currently happening. She stated that she did not receive the first public hearing notice letter and did not receive the certified letter because the post office had a different name for that address.

Chairperson Roberts asked if there are any bridges or coverts between the highway and this property.

Lee West responded that there were three culverts and pointed out the location of them on the map.

Chairperson Roberts stated that he would like to have a study done on the roads, bridges, and culverts between the property and the highway before he would feel comfortable making a recommendation to council.

Chairperson Roberts stated that he would like a study of the adequacy of the roads and bridges for their proposed use before he would be in favor of changing the zone district.

Rezone Request of 1265 H 25 Road continued...

Mr. Schaaf explained the different types of equipment that might be relocated there even for a small time and what they would be used for and gave a proximity of their weight. He also described one piece of equipment called a Miner, explained the route they took to get it to the property and stated that the road and culvert seemed efficient. He stated that he had spoken with the Hartman Ditch Company and they stated that the Delta County was going to upgrade that culvert.

Chairperson Roberts asked staff if 1225 Road is currently a County road.

Staff replied that 1225 Road is still currently a county road and reviewed properties and areas that had been annexed within the past few years.

Commissioner Bell asked what weight standards H 25 Road would need to comply with to carry a typical load weight. He also asked if the proposed loads weighed twice or three times as much as a typical load.

Mr. Schaaf stated that loads for proposed operations would be at least twice as much what a normal load would be. He stated that these roads are approximately 100 years old and he wasn't aware of any standards for them.

Commissioner Bell asked if 1250 Road was subject to improvements or standards imposed by the city.

Mr. Shoopman replied to this by explaining the requirements for site development. He also clarified that site development does not have public hearings.

Commissioner Jahn asked about what type of possible noise would be expected with this particular use.

Mr. Schaaf replied that an impact wrench would most likely be the most noise.

Commissioner Raley asked where or if they had considered building a fence.

Mr. Schaaf pointed out where a fence was proposed to be constructed.

Tom Whiting, adjacent property owner, stated that he was the last person to tap into a ¾ inch water line and that to his knowledge there is no sewer line. He stated that if he had more time he could muster up more opposition. He was unable to ok contact with many adjacent property owners.

Mr. Schaaf stated that he had spoken with the Director of Public Works who had informed him that in the event that they begin building at the proposed property they will be putting in a 6" water line with a fire hydrant at the end.

Chairperson Roberts closed the public hearing and requested commissioner comments.

Commissioner Oelke stated that because the surrounding area is zoned B-3 the request change should be appropriate. She also stated that she had reservations from public concern and poor public notice.

Commissioner Bell stated that he also had concern for poor public notice.

Rezone Request of 1265 H 25 Road continued...

Commissioner Raley stated that his only concern is the placement of a privacy fence in consideration to the two adjacent property owners that are present; Lee West and Thomas Whiting.

Commissioner Pfalzgraff motioned that Planning Commission recommend approval to the City Council for the request to change the zoning of 1265 H 25 Road from A-1 to B-3.

Commissioner Oelke seconded the motion.

Commissioner Raley questioned if he could include the addition of a privacy fence added to the motion.

Chairperson Roberts stated that he wasn't sure if this could be done with a zoning issue.

All were in favor and the motion carried.

Olson Variance Request ~ located at 695 1675 Road

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting a variance from the paving requirements of 17.04.230(G) which requires that "parking and maneuvering areas shall be paved in accordance with City specifications".

*Offices and clinics are required to provide (1) off-street parking space per 300 square feet of **gross floor area**, one of which must be designated for handicap parking. The applicant has stated that only the bottom 2000 square feet of his 4000 sq ft building will be used commercially. At 2000 sq ft the applicant is required to provide 7 paved parking spaces. At 4000 sq ft the applicant is required to provide 13 paved parking spaces. The applicant's site plan is showing 11 spaces.*

Criteria for Variance:

According to section 17.04.260 of the City Municipal Code, the Planning Commission may approve a variance from the provisions of this chapter (17), other than the uses specified for any district or restrictions on the location of factory built housing, only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

- 1. The variance will not adversely affect the public health, safety and welfare.*
- 2. Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.*
- 3. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.*
- 4. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.*

Olson Variance Request ~ located at 695 1675 Road continued...***Criteria for Variance continued...***

5. *The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.*

The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

Staff Recommendations:

Staff has the following concerns:

The applicant has outlined his reasoning for the request (see attached letter) and has addressed criteria 1 & 5 of section 17.04.260, however, staff does not feel that the applicant has

1. *provided sufficient reasoning to show that the intent of criteria 2, 3, & 4 has been met.*
2. *Although the applicant has addressed some of the site development details in narrative form, the site plan needs to show more detail drawn to scale, such as building dimensions, parking & driveway dimensions, handicap signage, size, type, & placement of gravel, bump stops, fence height & material, landscaping detail (ie shrubs, trees, grass, irrigation), grading & drainage, etc.*
3. *If the entire 4000 sq feet of the building on the site has the potential to be used commercially, the applicant should be required to provide 13 parking spaces.*

Staff recommends that careful consideration be given to this variance request.

Commissioner Raley requested that staff clarify the parking requirements of the city code for this project.

Mr. Shoopman clarified that 4,000 square feet of office spaces would require 13 parking spaces and that 2,000 square feet of office space would require 6 spaces.

Chairperson Roberts requested the applicant's presentation.

Dan Olson, stated that he is in the process of a major remodel. He stated that after finding out that he had to redo all of the plumbing and electrical and that he had already borrowed an extensive amount from the bank. He stated that he tried to borrow more for the parking and was refused. He will do a privacy fence on 3 sides of the property and pointed out where it would be located. He explained more details of his plans to the commission.

Commissioner Raley stated that to not have a paved handy-cap parking place is a serious safety hazard.

Mr. Olson replied that he had already created a paved handy cap parking place under the carport and already had a ramp with rail installed.

Commissioner Oelke asked if the building was currently empty.

Mr. Olson stated that the building is currently empty.

Olson Variance Request ~ located at 695 1675 Road continued...

Commissioner Raley asked staff if there could be a one year deadline to get that lot paved as a contingency.

Mr. Black stated that he had been trying to stay uninvolved in this particular item of the agenda because he is an adjacent property owner. He stated that James had done all the reviewing of this item and passed all questions to James.

Mr. Shoopman clarified that conditions can be imposed for approval of a variance and cited reference to the code.

Commissioner Bell asked what could be the time frame for paving.

Mr. Shoopman replied that paving will need to be done before the final CO is issued.

Chairperson Roberts stated that his concern was for the safety of his clients.

Commissioner Raley asked Mr. Olson if he would be willing to agree to pave it within a time frame.

Mr. Olson stated that he would have to abide by what ever Planning Commission decides. He stated that what he had proposed to do was beyond what people have already done in the area.

Chairperson Roberts stated that the upstairs not being used should be a contingency in their approval.

Chairperson Roberts requested public comment.

There was none.

Chairperson Roberts closed the public meeting/hearing and requested commissioner comments.

Commissioner Raley stated that a variance requires serious consideration.

Chairperson Roberts suggested that red crushed rock such as what is used on the trails in the city parks could be a comfortable alternative. He stated ¾ inch loose gravel is more of a dangerous surface.

Commissioner Pfalzgraff stated that his concern was that 2 and 3 items are not met within the criteria. His opinion is that this variance does not meet the criteria.

Commissioner Bell suggested that 3 years should be the maximum time allowed to pave the area.

Commissioner Oelke stated that anything would be an improvement. She agreed that with imposing limit and stated that compacted rock would be a better idea than loose gravel.

Commissioner Bell motioned to approve this variance with the following conditions:

1. the compact rock for foot traffic and parking and maneuvering areas
2. that the upstairs not to be used commercially as office space
3. time limit of 3 years
4. staff's recommendations

Olson Variance Request ~ located at 695 1675 Road continued...

Commissioner Jahn seconded the motion.

All were in favor with the exception of Guy Pfalzgraff who voted nay.

Chazco Minor Subdivision ~ located at Crawford Avenue & Stafford Lane

Chairperson Roberts opened the public meeting and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request

The applicant is requesting that the Planning Commission recommend approval of the Chazco Minor Subdivision.

Project Proposal

The Chazco Minor Subdivision proposes to subdivide approximately 15.17 acres into 3 lots for commercial development.

The property's zone district is B-2 which is intended to "provide for businesses oriented toward serving the vehicular customer".

Minor Subdivision Requirements

Staff review has found the plat to substantially comply with the minor subdivision requirements of 16.04.090.

Required Improvements, Dedications, and Minimum Design Standards

The following need to be addressed and/or corrected as conditions of approval:

- 1. Curb, gutter, & sidewalk improvements within Stafford Ln along lot 2 need to be installed by lots 1 & 3 at the time of development (see plat note).*
- 2. Chazco Inc, the Bonafide Ditch Company, & the City need to agree on details pertaining to the Bonafide Ditch, such as location of a maintenance road, fencing, trails, etc.*
- 3. Water, sewer, & fire hydrant improvements need to be constructed & accepted prior to recording the final plat. Once improvements are accepted, the applicant will need to provide 1 paper and 1 mylar set of "as-built" drawings.*
- 4. Corrections need to be made to the plat as redlined & according to staff comments. Once corrected, the applicant will need to provide 2 mylar sets of signed plats.*
- 5. All fees (PILP, water tap) must be paid before the plat is recorded.*
- 6. Misc:*
 - A. The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.*
 - B. Final plat approval shall expire 90 days from the date of such approval.*

Chazco Minor Subdivision ~ located at Crawford Avenue & Stafford Lane continued...

Staff Recommendations

*Staff recommends **approval** of the Chazco Minor Subdivision contingent upon satisfaction of the above items.*

Commissioner Raley stated that his biggest concern was fence details for both sides of the ditch.

Staff reassured the planning commission that fencing both sides of the ditch is a requirement.

Commissioner Raley suggested that the south side of the ditch be fenced at the time lot 1 develops.

Staff explained that fence improvement could be secured by a plat note and recommended that this be a condition of approval.

Chairperson Roberts requested the applicant's presentation.

Matt Brezonick from Jehn Engineering, 326 Main Street, is representing Chazco. He stated that curb gutter and sidewalk will be extended all the way from the northern property line to south to Crawford Avenue.

Chairperson Roberts asked where the south lot line is located for lot 1.

Mr. Brezonick responded that lot 1 did not include the ditch.

Staff stated that they had red lined that issue for correction because it needs to be better defined.

Commissioner Bell asked why they had changed their plans and to explain the upcoming phasing.

Charles Ozzman, owner, stated that lot 3 was originally going to be an office park but decided to have mixed uses within lot 1 because they didn't believe that Delta had a high enough demand for the original proposal.

Will Hutchins, 1735 H 75 Road, President of the Bona Fide Ditch, stated that he had no problem with any fencing as long as there is access for maintenance. He stated that the Bona Fide Ditch Company had asked for 18' width and a 2 to 1 slope on the bank. He stated that an issue of concern is water flow under Stafford Lane; flowing from east to west is a crossing where rubbish will collect. They need access to the culvert in case of any emergency situation and they must be able to access it easily.

Storm water and trail issues were also discussed.

Chairperson Roberts requested public comment.

There was none.

Commissioner Bell wanted to discuss utilities and other improvement requirements.

Chairperson Roberts closed the public meeting and requested commissioner comments.

Chazco Minor Subdivision ~ located at Crawford Avenue & Stafford Lane continued...

Commissioner Oelke motioned to recommend approval of the Chazco Minor Subdivision sketch plan to City Council contingent on the following:

1. Staff recommendations as outlined in the report

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

The Shoppes at Delta PUD Sketch Plan ~ Lot 1 of the Chazco Minor Subdivision

Chairperson Roberts opened the public meeting and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request

The applicant is requesting approval of the Shoppes at Delta PUD Sketch Plan.

Staff is requesting that the Planning Commission give feedback & direction to the applicant as part of the sketch plan approval process to promote a high standard of development.

Project Proposal

The Shoppes at Delta PUD Sketch Plan proposes to subdivide approximately 7.61 acres into 15 commercial units.

The property's zone district is B-2 which is intended to "provide for businesses oriented toward serving the vehicular customer".

Sketch Plan Requirements

Staff review of the sketch plan has found it to substantially comply with the sketch plan review requirements of 16.04.050 (C) and the PUD requirements of 17.72.040.

The following need to be addressed and/or corrected as conditions of preliminary approval:

1. *Corrections need to be made to the sketch plan as redlined & according to staff comments.*
2. ***Misc:***
 - a. *The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.*
 - b. *Sketch plan approval expires 1 year from the date of such approval.*

Items for Discussion:

The purpose of the PUD is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan (17.70.010).

To "achieve usable attractive open spaces, safe circulation, and to protect the general well being of the inhabitants" (17.72.010), the Commissioners may want to consider the following items for discussion:

The Shoppes at Delta PUD Sketch Plan ~ Lot 1 of the Chazco Minor Subdivision continued...***Items for Discussion continued...***

1. *The developer is required to submit building descriptions, sketches, & elevations (17.72.050.B.9). Architectural aesthetic standards should be established to the satisfaction of staff & the Planning Commission. Items to consider include:*
 - a. *Building height, materials, color, trim, etc.*
 - b. *Architectural features & patterns*
 - c. *Wall plane facades/recesses*
 - d. *Roofline variations, parapets, pitch, etc.*
 - e. *Weather protection, such as awnings or eaves*
 - f. *Window display areas*
 - g. *Building entrances*
 - h. *Patio/plaza areas*
 - i. *Depth & placement of sidewalks abutting buildings*
 - j. *Screening of outdoor storage & HVAC equipment*
2. *Landscaping considerations:*
 - a. *The PUD regulations do not specify a required amount of open space for commercial development; however, site development regulations require 6% of the parking area to be landscaped and 8% of the total site to be landscaped. The sketch plan shows 15% of the site area to be landscaped.*
 - b. *Perimeter screening/landscaping*
 - c. *Street frontage landscaping*
 - d. *Trail & fence along the Bonafide ditch.*
 - e. *Sufficient trash placement & screening*
 - f. *Pedestrian crossing & walkways between buildings should be safe, adequate, & distinguished from driving surfaces.*
3. *Truck loading/unloading areas and truck turning radii need to be sufficient & satisfactory to staff & the Planning Commission. Loading/unloading areas should be separate from customer travel & parking.*
4. *Location, height, & size of proposed signs*
5. *Lighting plan*
6. *Access easement at the north line of property*
7. *The formation of a Property Owners Association and intended conditions, covenants, & restrictions (CC&R's)*
8. *Wetlands delineation & mitigation*
9. *Development schedule*

The Shoppes at Delta PUD Sketch Plan ~ Lot 1 of the Chazco Minor Subdivision continued...***Staff Recommendations***

*Staff recommends **approval** of the Shoppes at Delta PUD sketch plan conditioned upon satisfaction of the above items.*

Chairperson Roberts requested the applicant's presentation.

Charles Ozzman presented a new architectural design to the commission. He stated their ideas for the Bona Fide Ditch which included cleaning it up with hopes of using it as an architectural feature within a trail system. He emphasized that this development will be a mixed use lifestyle center as opposed to the current traditional commercial shopping centers that are neighboring. He stated that a gym will be coming along with offices and restaurants.

Mr. Ozzman gave his PowerPoint presentation presenting changes from the previous plan to the current plan. He explained the details of the pads, structures, and which businesses will be occupying them. He addressed the architectural design of the proposed structures and landscaping within the PUD and how it would blend with Taco Bell's architectural features.

Chairperson Roberts asked if all outside designs, surfaces and landscaping features would be the same from pad to pad.

Mr. Ozzman reassured the commission that everything within the PUD would be uniform and that even businesses buying available spaces later on would be governed by established architectural design.

Commissioner Pfalzgraff asked for clarification of the phases.

Mr. Ozzman presented the phasing plan.

Commissioner Bell asked where they had developed previously.

Mr. Ozzman referenced their website [chazcodevelopment.com] and stated that they operate out of Salt Lake City, Utah and develop across the western United States.

Chairperson Roberts asked Mr. Ozzman to clarify details of parking.

Mr. Ozzman showed where they would begin the curb, gutter, sidewalk and where there would be asphalt and landscaping.

Chairperson Roberts asked what their expected time frame will be for completion.

Mr. Ozzman stated that they had hoped to complete what they have proposed by August of 2008 because Bealles was to be moving in that building at that time. He concluded to have 3 pads complete by fall of 2008.

Commissioner Raley questioned about fence details along the Bona Fide Ditch mentioned earlier and wanted clarification on that time frame.

The Shoppes at Delta PUD Sketch Plan ~ Lot 1 of the Chazco Minor Subdivision continued...

Mr. Shoopman stated that the fencing could be addressed later in the presentation. He asked the developer to explain his plans concerning the loading and unloading of trucks to the retail businesses, and asked what the rear of the buildings will look like where the office accesses and parking will be and if there will be double frontage.

Mr. Ozzman pointed out that they had designed the rear of each building to be as equally attractive as the front. He showed a large area between pads 3 and 4 for truck delivery. He stated that he didn't feel the other pads needed the large space because of their size of business.

Chairperson Roberts asked staff if they had done a parking space analysis.

Mr. Shoopman replied that they had done some analysis but that they had received many different plans and would address this issue once again at preliminary plat.

Loading and unloading designations were discussed.

Drainage and retention flow issues were discussed.

Mr. Ozzman explained the direction of the retention flow and the location of slopes throughout the development.

Mr. Shoopman wanted to discuss landscaping and open space requirements with the PUD regulations. He stated that currently 15% of the development is open space and asked the commission to give feedback to the developer on this subject.

Mr. Ozzman stated that they were open to suggestions. He reviewed a various amount of options including and secluding the Bona Fide Ditch along with a walking trail touching on the pros and cons.

Staff referenced the city code where it states that a ditch will be piped or in the case of large ones ditches will be fenced off for the security of health, safety, and welfare.

Mr. Ozzman reassured that if the ditch needed to be fenced with a gravel road beside it for maintenance that they would do that. He stated that they received the impression that the City of Delta wanted to have an interconnecting trail throughout the city.

Staff replied that the city is not opposed to having interconnecting trails but many various aspects have to be considered that reflect upon where and how that can be constructed.

Jim Akinson, Jehn Engineering, discussed the grading plans that they had proposed for the ditch and trail.

Mr. Black reviewed commented that the city code requires at least 25% of a total gross area of a residential PUD. In the second section the code states that the Planning Commission may exempt non-residential PUDs from the common open space requirement if it finds the development will provide for the occupants' and customers' needs for open space through public park, mall or recreation feature, combination there of develop facilities in a plaza. In summary the code allows the commission to review these and have a reduction in that 25%.

The Shoppes at Delta PUD Sketch Plan ~ Lot 1 of the Chazco Minor Subdivision continued...

The applicant has proposed 15%, being less than the 25% minimum requirement. 17.72.070 references the city code from which this interpretation has been derived from.

Commissioner Bell asked if the Commission had the option of requesting the applicant to make a contribution to the City Parks Fund to rectify the percentage they are lacking.

Staff replied yes, (under the same section of the code previously mentioned) an assessment may be done to determine such factors.

There was more discussion about landscaping.

Mr. Ozzman offered that the cleaning of the Bona Fide Ditch to be considered as accurate compensation for any lacking landscaping and common open space issues.

Commissioners Bell and Raley reminded Mr. Ozzman that the ditch will still be required to be fenced.

Mr. Shoopman wanted to have the applicant address truck circulation.

Mr. Ozzman stated that they use a WB67 Truck Template which shows where the front and rear wheels actually run. He showed on the new plan where it had been changed in order to apply this template. He stated that the WB67 is the length of the largest truck that can deliver, however Bealles uses a 48' truck. He concluded that he believes that they have all the design for a smaller truck.

Mr. Shoopman asked if there would be any issues if a truck was docked for traffic circulation to continue through and if there are other trucks waiting where would they stack.

Mr. Ozzman replied that Bealles has a delivery once a week. He pointed out a section that was a 24' road he stated that it would be more than enough to back up and another that is 52' where if a truck had to park traffic should be able to continue through.

Mr. Shoopman requested that Mr. Ozzman briefly talk about the following issues: the lighting plan, the formation of a property owners association, the establishing of covenants, wetlands, signage and access easements.

Mr. Ozzman pointed out the location of conventional lighting. He stated that they usually use 35' poles with dark sky ordinance: lights having caps on top that force the lighting down. For the retail stores the sign will be rotated so it can be seen from both directions of the roadway, he showed where the office signs would be located, and also signage within to help direct the flow of traffic. He stated that when they purchased the property no wetlands were designated within the 18 acres according to the previous property owner.

Mr. Shoopman stated that when staff receives the construction drawings that they will presented to the Army Corps of Engineers to be consulted.

Mr. Ozzman assured that they would be proactive upon obtaining an engineered study and submitting it to the Army Corps of Engineers.

Commissioner Bell pointed out a pond directly east of that property.

Mr. Shoopman summarized all issues of concern.

Mr. Black stated that the culvert extension is a large concern to be looked at and also that the Bona Fide Ditch Company had indicated also needing a clear pad area for maintenance.

Mr. Shoopman added that the applicant needs to decide where the access road will be located and when will it be done.

Mr. Black commented that it is important to satisfy the concerns of the Bona Fide Ditch Company, the Army Corps of Engineers, and the City's concern for safety prior to preliminary.

Chairperson Roberts requested public comment.

Chairperson Roberts closed the public meeting and requested commissioner comments.

Commissioner Pfalzgraff motioned to approve The Shoppes at Delta PUD Sketch Plan contingent upon the following:

1. Staff's recommendations as outlined in the report
2. Items discussed by Planning Commission

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

There was a 3 minute recess.

Comprehensive Plan Update

Reminder of the Comprehensive Plan Public Workshop on December 11th, 2007 at 6:30 p.m. at Bill Heddles Recreational Center.

Minutes

Commissioner Bell motioned to approve the minutes from the November 5th, 2007 Regular Planning Commission Meeting as submitted by the secretary.

Commissioner Pfalzgraff seconded the motion.

All were in favor and the motion carried.

Commissioner Comments

There was discussion about a closing date for applications for the vacancy.

Commissioner Comments continued...

Mid January was proposed.

It was advised to ensure applicants to do signage and check ups.

Staff will change the mailing requirements. The new planning schedule is being constructed.

There was discussion about expectations of outside developers.

Staff Comments

Meeting adjourned at 10:12 p.m.

Lee A. Barber, Executive Secretary
Community Development

